

GEORGE W. SPENCER.

JANUARY 18, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

MR. PARKER, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 2070.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2070) entitled "A bill for the relief of Gerge W. Spencer," beg leave to submit the following report, and recommend that said bill do pass, with an amendment by adding the following:

dated September eighteenth, eighteen hundred and sixty-one: *Provided*, That no pay, bounty, or other allowance shall become due and payable by virtue of the passage of this act.

The record shows enrollment April 20, 1861, and discharged September 18, 1861, as "worthless soldier." The bill is to correct the record by erasing these words, and grant him an honorable discharge of the same date.

The proof shows clearly that Spencer served faithfully, participated in the battle of Bull Run, and was an active, good soldier; that he was not discharged as a "worthless soldier," but because he was the only support of a widowed mother, who was dispossessed from her home, destitute, and in want of the bare necessities of life.

Col. Charles McK. Leoser indorsed his application to the War Department, and in 1884 made affidavit setting forth that Spencer came to him stating that he needed money as his widowed mother, he being her only support, was about to be dispossessed from her home and not being able to receive his pay from the Government until he could be mustered, he, the colonel, recommended his discharge on the ground of humanity; that on receiving his discharge, it being granted on the ground of "worthlessness," Spencer was not willing to receive it, but being in great need of money on account of his mother, he was compelled to accept the said discharge. "Deponent further says that the said Spencer while with the regiment was a good, faithful soldier, performing all the duties that were assigned to him." This affidavit was filed in the Adjutant-General's Office on May 26, 1888, with a letter from Colonel Leoser to the Adjutant-General, as follows:

I am requested by George W. Spencer to say that I recommended his discharge for worthlessness because the commanding general was of the opinion that that was the best course to pursue under the circumstances.

Colonel Leoser is recently deceased; John Wildey, his captain, swears that Spencer "was an able and faithful soldier, performing all duties assigned him while with the regiment. That when the regiment was

ordered to New York in August, 1861, and while located in the city of New York, the said Spencer informed the deponent that his widowed mother was in destitute circumstances and he being her only support and she needing his protection and finding his statement to be true, recommended to the colonel of the regiment his discharge. The said Spencer was not 'worthless,' but was able and did perform his duties while in the service and regiment."

Robert W. De Grasse, a comrade in the company, swears that Spencer performed his duties as a soldier and has been a man of good character thirty-five years.

His captain and seven members of his company join in recommending that the record be changed from "worthless" to that of being mustered out of the service by order of the War Department, as they believe the record contrary to the facts.

J. J. Merritt, of the wrecking company, in 1886, certifies to knowing Spencer for forty years, that he was an honest and industrious worker from boyhood, and considered a man of character.

Several citizens certify as to his good character for the last thirty-five years.

Spencer's own affidavit is shown in the report.

He has applied for relief since the Fifty-first Congress as well as to the War Department.

It is clear that his discharge as "worthless soldier" was incorrect, without Spencer's knowledge, and should be corrected.

The case is unique. The propriety of the action of his superiors is not in question. Spencer was innocent of any harm.

Case of George W. Spencer, late of Eleventh New York Volunteers.

The records show that George W. Spencer was enrolled April 20, 1861, and mustered in as a private in Company I, Eleventh Regiment New York Volunteers, May 7, 1861, to serve three years, and was discharged at New York City, September 18, 1861, by reason of worthlessness.

In March, 1883, Mr. Spencer executed a petition addressed to the Adjutant-General of the Army praying that his record be amended to show him honorably discharged, in which he stated * * * that he enlisted in the above regiment the 20th day of April, 1861, and was mustered in the United States service on the 7th day of May, 1861, at Washington, D. C., participated in the battle of Bull Run, and upon the regiment being ordered to Newport News, he accompanied the same. On or about the 19th day of September, 1861, he was discharged by the colonel of his regiment on the following grounds, to wit, being the only support of a widowed mother who was dispossessed from her house and home and was destitute and in actual want of the bare necessities of life. * * *

This was forwarded and indorsed by Charles McK. Loeser, formerly colonel commanding the regiment, as follows: "If the record of Spencer can be corrected as he desires, I hope it may be done, as I believe his statement is correct. He has lost his discharge."

Under date of April 28, 1883, Colonel Loeser was informed by letter from the Adjutant-General's Office that the record of Mr. Spencer could not be amended as requested, as the Department has no power to change a record of this kind, since which date the status of the case has not changed.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. A.

RECORD AND PENSION DIVISION, May 16, 1890.
THE SECRETARY OF WAR.